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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,976	09/11/2003	Daniel L. Krissell	RSW920030216US1	8562

7590

10/27/2005

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EXAMINER

NAMAZI, MEHDI

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 10/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,976

Applicant(s)

KRISSELL ET AL.

Examiner

Mehdi Namazi

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/02/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to application filed September 11, 2003.

#### ***Specification***

2. The disclosure is objected to because of the following informality: the serial number and patent number of related applications are still missing on page 1.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaffer et al. (USPN. 6,826,599).

As per claims 1, 9, and 14, Shaffer teaches a method of selectively caching content responsive to a cache miss (fig. 3): comprising steps of:

Receiving, at a cache store responsive to a cache miss, content for which the cache miss occurred (col. 7, lines 1-5; fig. 3, steps 302, 304, 306; up on missing a request for an object, and retrieving the object);

deciding whether the received content should be cached at the cache store, responsive to the receiving step, and only caching it if so (cols. 7-8, lines 62-19; fig. 3, steps, 308, 310, 312, and 316, determining whether the requested object is cacheable, if yes place the requested object in cache)

Returning the received content from the cache store to a client that sent a request that caused the cache miss (col. 8, line 19-20; fig. 3, step 318, transmitting object to requesting platform).

As per claim 2, Shaffer teaches the deciding step evaluates metrics (col. 7, lines 7-20; fig. 3, step 308; the decision is based on calculating "cost function" such as at least one metric which effects the total time required to download the object).

As per claims 3, 10, and 15, Shaffer teaches the deciding step further comprises evaluating a hit rate associated with the content and deciding whether content having that hit rate may be advantageously cached by the cache store (col. 4, lines 11-12, it should be understood that the number of access to an object is equivalent to the hit rate value which is one of the metrics used for deciding to cache the object).

As per claims 4, 11, and 16, Shaffer teaches the deciding step further comprises deciding whether a hit rate associated with the content is higher than hit rates associated with other content already cached by the cache store and if so, deciding to accept the content (col. 4, lines 11-12, col. 8, lines 16-19, comparing the requested object to objects already stored in the cache with lower value (low hit rate) in order to create space for the new object).

As per claims 5, and 17, Shaffer teaches the deciding step considers historical metrics associated with content (col. 7, lines 7-20; fig. 3, step 308; the decision is based on calculating "cost function" such as at least one metric which effects the total time required to download the object).

As per claim 6, Shaffer teaches the deciding step considers resources of the cache store (col. 8, line 16; fig. 3, step 312).

As per claims 7, and 12 Shaffer teaches the deciding step considers currently-available resources of the cache store (col. 8, line 16; fig. 3, step 312; it is based on currently available space).

As per claims 8, 13, and 18, Shaffer teaches the deciding step compares a priority associated with the content to priorities associated with already-cached at the cache store (col. 8, lines 16, comparing the object with other object already in the cache if there is not space and discard the objects of low value).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 571-272-4209. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehdi Namazi  
October 11, 2005

Mano Padmanabhan  
10/14/05

**MANO PADMANABHAN  
SUPERVISORY PATENT EXAMINER**